

## **§ 616.10**

herein, reimburse the paying State accordingly.

(26 U.S.C. 3304(a)(9)(B); Secretary's Order No. 4-75, (40 FR 18515))

[36 FR 24992, Dec. 28, 1971, as amended at 45 FR 47109, July 11, 1980]

### **§ 616.10 Reuse of employment and wages.**

Employment and wages which have been used under this arrangement for a determination of benefits which establishes a benefit year shall not thereafter be used by any State as the basis for another monetary determination of benefits.

### **§ 616.11 Amendment of arrangement.**

Periodically the Secretary shall review the operation of this arrangement, and shall propose such amendments to the arrangement as he believes are necessary or appropriate. Any State unemployment compensation agency or the ICESA may propose amendments to the arrangement. Any proposal shall constitute an amendment to the arrangement upon approval by the Secretary in consultation with the State unemployment compensation agencies. Any such amendment shall specify when the change shall take effect, and to which claims it shall apply.

## **PART 617—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS UNDER THE TRADE ACT OF 1974**

### **Subpart A—General**

Sec.

- 617.1 Scope.
- 617.2 Purpose.
- 617.3 Definitions.
- 617.4 Benefit information to workers.

### **Subpart B—Trade Readjustment Allowances (TRA)**

- 617.10 Applications for TRA.
- 617.11 Qualifying requirements for TRA.
- 617.12 Evidence of qualification.
- 617.13 Weekly amounts of TRA.
- 617.14 Maximum amount of TRA.
- 617.15 Duration of TRA.
- 617.16 Applicable State law.
- 617.17 Availability and active search for work.
- 617.18 Disqualifications.

## **20 CFR Ch. V (4-1-05 Edition)**

- 617.19 Requirement for participation in training.

### **Subpart C—Reemployment Services**

- 617.20 Responsibilities for the delivery of reemployment services.
- 617.21 Reemployment services and allowances.
- 617.22 Approval of training.
- 617.23 Selection of training methods and programs.
- 617.24 Preferred training.
- 617.25 Limitations on training under subpart C of this part.
- 617.26 Liable and agent State responsibilities.
- 617.27 Subsistence payments.
- 617.28 Transportation payments.
- 617.29 Application of EB work test.

### **Subpart D—Job Search Allowances**

- 617.30 General.
- 617.31 Applications.
- 617.32 Eligibility.
- 617.33 Findings required.
- 617.34 Amount.
- 617.35 Time and method of payment.

### **Subpart E—Relocation Allowances**

- 617.40 General.
- 617.41 Applications.
- 617.42 Eligibility.
- 617.43 Time of relocation.
- 617.44 Findings required.
- 617.45 Amount.
- 617.46 Travel allowance.
- 617.47 Moving allowance.
- 617.48 Time and method of payment.

### **Subpart F—Job Search Program**

- 617.49 Job Search Program.

### **Subpart G—Administration by Applicable State Agencies**

- 617.50 Determinations of entitlement; notices to individuals.
- 617.51 Appeals and hearings.
- 617.52 Uniform interpretation and application.
- 617.53 Subpoenas.
- 617.54 State agency rulemaking.
- 617.55 Overpayments; penalties for fraud.
- 617.56 Inviolate rights to TAA.
- 617.57 Recordkeeping; disclosure of information.
- 617.58 Unemployment insurance.
- 617.59 Agreements with State agencies.
- 617.60 Administration requirements. [Reserved]
- 617.61 Information, reports, and studies.
- 617.62 Transitional procedures.
- 617.63 Savings clause.

## Employment and Training Administration, Labor

## § 617.3

617.64 Termination of TAA program benefits.

617.65 Transition procedures for amendments in sections 2671 and 2672 of Pub. L. 98-369 (Deficit Reduction Act of 1984).

617.66 Transition procedures for amendments in sections 13002 through 13009 of Pub. L. 99-272 (the Consolidated Omnibus Budget Reconciliation Act of 1985).

617.67 Transition guidelines for the 1988 amendments.

APPENDIX A TO PART 617—STANDARD FOR CLAIM FILING, CLAIMANT REPORTING, JOB FINDING, AND EMPLOYMENT SERVICES

APPENDIX B TO PART 617—STANDARD FOR CLAIM DETERMINATIONS—SEPARATION INFORMATION

APPENDIX C TO PART 617—STANDARD FOR FRAUD AND OVERPAYMENT DETECTION

AUTHORITY: 19 U.S.C. 2320; Secretary's Order No. 3-81, 46 FR 31117.

SOURCE: 51 FR 45848, Dec. 22, 1986, unless otherwise noted.

### Subpart A—General

#### § 617.1 Scope.

The regulations in this part 617 pertain to:

(a) Adjustment assistance, such as counseling, testing, training, placement, and other supportive services for workers adversely affected under the terms of chapter 2 of title II of the Trade Act of 1974, as amended (hereafter referred to as the Act);

(b) Trade readjustment allowances (hereafter referred to as TRA) and other allowances such as allowances while in training, job search and relocation allowances; and

(c) Administrative requirements applicable to State agencies to which such individuals may apply.

#### § 617.2 Purpose.

The Act created a program of trade adjustment assistance (hereafter referred to as TAA) to assist individuals, who became unemployed as a result of increased imports, return to suitable employment. The TAA program provides for reemployment services and allowances for eligible individuals. The regulations in this part 617 are issued to implement the Act.

#### § 617.3 Definitions.

For the purposes of the Act and this part 617:

(a) *Act* means chapter 2 of title II of the Trade Act of 1974, Pub. L. 93-618, 88 Stat. 1978, 2019-2030 (19 U.S.C. 2271-2322), as amended.

(b) *Adversely affected employment* means employment in a firm or appropriate subdivision of a firm, including workers in any agricultural firm or subdivision of an agricultural firm, if workers of such firm or appropriate subdivision are certified under the Act as eligible to apply for TAA.

(c) *Adversely affected worker* means an individual who, because of lack of work in adversely affected employment:

(1) Has been totally or partially separated from such employment; or

(2) Has been totally separated from employment with the firm in a subdivision of which such adversely affected employment exists.

(d) *Appropriate week* means the week in which the individual's first separation occurred.

(e) *Average weekly hours* means a figure obtained by dividing:

(1) Total hours worked (excluding overtime) by a partially separated individual in adversely affected employment in the 52 weeks (excluding weeks in such period during which the individual was sick or on vacation) preceding the individual's first qualifying separation, by

(2) The number of weeks in such 52 weeks (excluding weeks in such period during which the individual was sick or on vacation) in which the individual actually worked in such employment.

(f) *Average weekly wage* means one-thirteenth of the total wages paid to an individual in the individual's high quarter. The high quarter for an individual is the quarter in which the total wages paid to the individual were highest among the first four of the last five completed calendar quarters preceding the individual's appropriate week.

(g) *Average weekly wage in adversely affected employment* means a figure obtained by dividing:

(1) Total wages earned by a partially separated individual in adversely affected employment in the 52 weeks (excluding the weeks in that period the individual was sick or on vacation) preceding the individual's first qualifying separation, by